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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,194	12/06/1999	WAYNE M. SLAGLE		9698

7590 04/10/2003

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/473,194

Applicant(s)

SLAGLE, WAYNE M.

Examiner

PAUL T. CHIN

Art Unit

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed December 16, 2002, the argument therewith, and the appeal to withdraw the abandonment of the application, have been carefully considered. They are deemed to be fully persuasive. Therefore, the previous applied prior art, Johnson [3,845,842] and Del Rio, have been withdrawn from the art rejection. However, a non-final office action follows as below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory [536,927] in view of SOMFY's Catalog, provided by the applicant.

Gregory [536,927] discloses an elevator apparatus comprising a tower assembly having a vertical track (10,10); ^{an} ~~a~~ elevator or a container (6), which is a one piece construction, slidably received on the tower (see Fig. 1); a pulley system having a plurality of upper sheaves (4,4); a pair of lifting cables (5,5); a plurality of lower sheaves or drums (9,9) (see Fig. 2); and a gear assembly wherein the lower sheaves fixedly mounted to a rotatable cylindrical shaft (8,13) to thereby wind and unwind the lifting cables to selectively raise and lower the elevator. Re claims 5 and 11, the pulley is substantially pivotally mounted on the bearings (3,3) to response to a change of length of the cable. Gregory [536,927] does not show the rotatable cylindrical shaft encasing a drive motor and engaged by the drive motor for rotation of the shaft.

sheave mount (2,2)

outer casing (7) (fig. 3)

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However, SOMFY's Catalog shows a HIPRo LT50 motor to provide power to wind and unwind the provided cables. It would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide HIPRo LT50 motor on the Gregory's apparatus [536,927] as taught by SOMFY's Catalog to thereby wind and unwind the lifting cables to selectively raise and lower the elevator.

Re claims 6 and 12, it would have been an obvious design choice to provide an art oriented well-known turnbuckle on the modified Gregory's elevator system [536,927] to employ an adjustment of the length of the cables.

Re claims 8 and 14, the modified Gregory's elevator system [536,927] shows a guide bar (7) (see Fig. 3) adjacent to and parallel with the cylindrical shaft and it appears that the guide bar would be capable of guiding the two cables (5,5) on and off the sheaves (9,9) in a preferred directions.

Re claims 9 and 15, it appears that the modified Gregory's elevator system [536,927] shows a cage or container being made of one-piece construction.

Response to Arguments

4. Applicant's arguments with respect to claims 4-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pohlman [3,908,801] shows a vertical hoist assembly.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

A handwritten signature in cursive script that reads "Paul Chin".

PAUL T. CHIN
Examiner
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PTC
April 1, 2003